

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES,

Plaintiff,

v.

CHARLES LONEWOLF,

Defendant.

Case No. 3:23-cr-00111-SLG-KFR-1

ORDER RE REPORT AND RECOMMENDATION

Before the Court at Docket 32 is Defendant Charles Lonewolf's Motion to Dismiss Indictment. The Government responded in opposition at Docket 58. The motion was referred to the Honorable Magistrate Judge Kyle F. Reardon. At Docket 70, Judge Reardon issued his Report and Recommendation, in which he recommended that the motion be denied. No objections to the Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."¹ A court is to "make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made."²

¹ 28 U.S.C. § 636(b)(1).

² *Id.*

However, § 636(b)(1) does not “require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”³

The magistrate judge recommended that the Court deny the Motion to Dismiss Indictment without prejudice. The Court has reviewed the Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Report and Recommendation, and IT IS ORDERED that the Motion to Dismiss Indictment at Docket 32 is DENIED without prejudice to refiling it if it becomes appropriate after the *en banc* decision in *Duarte*.

DATED this 21st day of October 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

³ *Thomas v. Arn*, 474 U.S. 140, 150 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).